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Article 4: Development Code Amendments and Criteria

4.010 Purpose

From time to time it may be appropriate to amend sections of this Code whenever public's necessity, convenience, and general welfare require such amendment, and where such an amendment is in conformity with the Comprehensive Plan, other sections and articles of this Code, and other applicable ordinances and policies. The purpose of this section is to set forth the procedures and criteria by which changes to this Code can be made.

⁸4.030 Zoning Map Amendments

4.031 **Purpose.** The Zoning Map establishes land use for all real property within the Boundary. The purpose of this section is to provide procedures and criteria for amending the Zoning Map in a manner consistent with the Comprehensive Plan.

4.032 **Initiation of Amendment.** A Zoning Map amendment may be initiated by any one of the following:

- (1) Property owner, by application.
- (2) The Planning Commission.
- (3) The City Council.

4.033 **Criteria for Amendment.** The Zoning Map may be amended by the review bodies provided that all the following criteria are met:

- (1) The proposed use, if any, is consistent with the proposed Zoning District.
- (2) The proposed Zoning District is consistent with the Comprehensive Plan Land Use Map designation.
- (3) A demonstration that existing or proposed levels of basic urban services can accommodate the proposed or potential development without adverse impact upon the affected service area or without a change to adopted utility plans.
- ⁵(4) A demonstration that the proposed amendment is consistent with the functions, capacities and performance standards of transportation facilities identified in the Master Transportation Plan.
- (5) The natural features of the site are conducive to the proposed Zoning District.
- (6) The proposed zone is consistent with the requirements of all overlay Districts that include the subject property.

- (7) The timing of the zone change request, is appropriate in terms of the efficient provision or upgrading of basic urban services versus the utilization of other buildable lands in similar zoning districts already provided with basic urban services.

⁶4.034 Procedures for Initiation of Zoning Map Amendment

- (1) A zoning map amendment for property within City limits may be initiated by the property owner, Planning Commission, or City Council.
- (2) A zoning map amendment for property within the Urbanizing Area may be initiated by the property owner, Planning Commission, City Council, or Board of County Commissioners.
- (3) A pre-application conference is required when the amendment is initiated by the property owner, in accordance with Section 3.041.
- (4) The procedure type for amending the district boundaries of the zoning map shall be in accordance with Schedule 2-1.

²4.040 Special Purpose District Map Amendments

³4.041 Purpose. The Special Purpose District Map Amendments determine the location and extent of the slope hazard district, the flood hazard district, the historic district, the medical overlay district, ⁹and the regionally significant industrial area. These districts are located for a specific purpose, according to specific criteria, and affect development procedure and standards. It is the purpose of this section to provide procedures for amending the Special Purpose Districts consistent with the purpose and criteria of each district.

4.042 Initiation of Amendment.

- (1) Except as provided in Subsections (2) and (3) of this Section, a Special Purpose District map amendment may be initiated by any one of the following:
 - (a) Property owner, submitting a complete application as provided in Section 3.050.
 - (b) The Director.
 - (c) The Planning Commission.
 - (d) The City Council.

- (2) An amendment to a Historic District, Conservation District, or Historic Landmark Designation may be initiated by any party listed in Section 13.431.
- (3) Initiation of an amendment to the Medical Overlay District that excludes part of the property from the District or removes an entire Medical Overlay District shall also be in accordance parties specified in with Section 4.051.

4.043 Criteria for Amendment: Slope Hazard District

- (1) The slope hazard district may be amended provided all areas proposed for inclusion contain slopes equal to or in excess of 15%, and all areas proposed for exclusion contain slopes less than 15%.
- (2) The Director shall begin administering the slope hazard district requirements upon receipt of slope information demonstrating that the slope of the area is equal to or in excess of 15%. The slope information shall be prepared by a licensed professional surveyor, or through other sources approved by the City Engineer.

4.044 Criteria for Amendment: Flood Hazard District

- (1) The Flood Hazard District map is the Flood Boundary - Floodway Map established by the Federal Emergency Management Agency (FEMA) in the scientific and engineering reports entitled "The Flood Insurance Study for the City of Grants Pass" and "The Flood Insurance Study for the County of Josephine County, State of Oregon". The flood hazard district map may be amended only by FEMA in the procedure provided for Flood Boundaries - Floodway Maps.
- (2) Upon receipt of proper authorization from FEMA, the Director shall begin administering the revised Flood Hazard District, as designated by FEMA.

4.045 Criteria for Amendment: Historic District, Conservation District, and Historic Landmarks

A Historic District, a Conservation District, and a Landmark may be recommended for designation by the Historical Buildings and Sites Commission and designated by the City Council, providing all the following criteria are addressed during consideration by the review body:

- (1) The designation of a District or Landmark serves the purpose of this section.
- (2) The boundaries of a District are adequate and suitable for designation.
- (3) Consideration of the positive and negative effects of the designation upon residents, businesses or property owners of the area.

4.046 Refusal to Consent to Historic Designation

- (1) At any time prior to the close of the final public hearing on designation of a historic district, conservation district, or historic landmark, the owner of property proposed for designation may submit to the Director a written refusal to consent to the designation. If the property owner does so, the property shall not receive the proposed designation.
- (2) If the property owner refuses designation as described in subsection (1) above, the City shall issue no permit for the demolition or modification of that property or any structure thereon during the 120-day period following the date of the property owner's refusal to consent.

4.047 Procedure Type for Historic Designation

Applications for designation of, or amendment or rescission of, the Historic District, Conservation District, or a Historic Landmark Designation shall be processed in accordance with the procedures in Schedule 2-1, except that the Historical Buildings and Sites Commission shall serve in the place of the Urban Area Planning Commission in the recommendation hearing.

⁷4.050 Criteria for Amendment: Medical Overlay District. The review body may establish and amend a medical overlay district provided all of the following criteria are met:

- (1) The underlying zoning of the property is R-1, R-2, R-3, R-4, GC, CBD, BP, IP, or I.
- (2) Each district must encompass at least eight contiguous acres and may not encompass more than one hundred fifty contiguous acres.
- (3) Each district shall include a core hospital consisting of one or more buildings totaling at least 20,000 square feet of floor area. The core hospital may be an existing facility, or one approved prior to or concurrent with the application for a medical overlay district.
- (4) Not more than five percent of the area of the district shall include lots in residential zones with residences as the primary use.
- (5) Lots in residential zones with current residential uses shall not be included within the district unless at least one-third of its total frontage is directly across a street from a medical use.
- (6) The primary access for each lot within the medical overlay district shall be to a collector street, an arterial street, a state highway, or to another street that accesses one of the previous only through the land within the medical overlay

district. Access to local residential streets outside the district shall be minimal, if any.

- (7) The natural features and current land uses of the property are conducive to conversion to medical uses.
- (8) There are adequate public facilities that either serve the property, or that are planned to serve the area and could readily be extended to serve the property upon development.

4.051 Removal of Medical Overlay District : Any party authorized to initiate an amendment to the medical overlay district on a property may initiate an amendment to exclude that property from the district. An application to remove an entire overlay from an area may be initiated by the Director, the Planning Commission, the City Council, or owners of a majority of the land area within the district. The review body may exclude properties or remove an entire medical overlay district upon finding that one or more of the criteria found in Section 4.050 are no longer satisfied.

4.052 Procedure Type: Medical Overlay District

Creation or removal of an entire medical overlay district, or amendment to an existing medical overlay district, shall be processed in accordance with the procedures specified in Schedule 2-1 for a zoning map amendment.

⁹4.070 Criteria for Amendment: Regionally Significant Industrial Area (RSIA) Overlay Zone

The RSIA can only be designated and amended by the Economic Recovery Review Council (ERRC) in accordance with applicable state law.

4.100 Development Code Text Amendments

4.101 Purpose. The purpose of amending the text of the Development Code is as follows:

- (1) To ensure that the Development Code changes as the Comprehensive Plan changes.
- (2) To implement the Comprehensive Plan goals and policies more fully.
- (3) To amend development criteria and standards as community attitudes change and new technologies are acceptable, insofar as the public health, safety and welfare permit.
- (4) To eliminate prior error or contradiction.

4.102 Procedures for Initiation of Development Code Text Amendment.

- (1) An amendment of the text of this Code may be initiated by the following:
 - (a) A resident of the Urban Growth Boundary, submitting a complete application as provided in Section 3.050.
 - (b) An owner of property within the Urban Growth Boundary, submitting a complete application as provided in Section 3.050.
 - (c) The Director.
 - (d) The Planning Commission.
 - (e) The City Council.
- (2) A pre-application conference is required when the amendment is initiated by a resident of the Urban Growth Boundary or an owner of property within the Urban Growth Boundary.
- (3) The procedure type for amending the text of this Code shall be in accordance with Schedule 2-1.

4.103 Criteria for Amendment. The text of this Code may be recommended for amendment and amended provided that all the following criteria are met:

- (1) The proposed amendment is consistent with the purpose of the subject section and article.
- (2) The proposed amendment is consistent with other provisions of this Code.
- (3) The proposed amendment is consistent with the goals and policies of the Comprehensive Plan, and most effectively carries out those goals and policies of all alternatives considered.
- ⁵(4) The proposed amendment is consistent with the functions, capacities and performance standards of transportation facilities identified in the Master Transportation Plan.

¹ Revised 11-15-95

² Revised 12-4-96

³ Revised 12-4-96

⁵ Revised 9-4-02

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- ⁶ Revised 4-20-05 Ordinance 5285
⁷ Revised 2-16-11 Ordinance 5534
⁸ Deleted 8-6-14 Ordinance 14-5615 deleted Urban Reserve Zone 4.3034
⁹ Revised 12-3-14 Ordinance 14-5632